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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/227,568	01/08/1999	PAUL ENGLAND	777.211US1	8042

22801 7590 06/18/2003

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EXAMINER

CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2134

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DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/227,568

Applicant(s)

ENGLAND ET AL.

Examiner

Paul E. Callahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,6-12,15-22 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 3,4,6-12,15-22 and 25 is/are allowed.
- 6) ☐ Claim(s) 26 and 28-30 is/are rejected.
- 7) ☐ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 19 February 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16, 17.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 3, 4, 6-12, 15-22, 25-30, are pending in this application. Claims 1, 2, 5, 13, 14, 23, and 24 have been cancelled by amendment.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 2/21/2002 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 26, 28, and 29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Herbert (5,757,919).

As for claim 26, Herbert teaches a computer system comprising: a processing unit (col. 2 lines 39-41) a system memory coupled to the processing unit through a system bus (col. 2 lines

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39-43), a computer readable medium coupled to the processing unit through a system bus (col. 2 lines 43-45), and an authenticated operating system col. 2 lines 54-67) configured to execute on the processing unit from the computer readable medium, the authenticated operating system causing the processing unit to encrypt downloaded information (col. 6 lines 45-52) using a storage key based on a seed value (col. 3 lines 2-8).

As for claim 28, Herbert teaches the authenticated operating system further causes the processing unit to validate each application requesting access to the downloaded information using the access predicate and decrypts the seed value for use by the validated application (col. 7 lines 5-22).

As per claim 29, Herbert teaches a storage key that is specific to an application (col. 4 lines 7-42 and col. 3 lines 9-32).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herbert as applied to claim 26 above, and Official Notice taken as detailed below.

Herbert does not teach the use of a storage key used to encrypt downloaded information where the key is specific to a user. However Official Notice may be taken of the fact that such a

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key used in this manner is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Herbert. It would have been desirable to do so as this would allow for greater security in cases where one computing system may have multiple users.

Allowable Subject Matter

7. Claims 3, 4, 6-12, 15-22, and 25 are allowed. Claims 3, 4, 6-12, and 15-22 were previously indicated as allowed in the last Office Action in this case. Claim 25 is allowable for the same reasons as given for claims 3 and 6 in the previous Office Action since it shares its limitations with those claims. No changes have been made to the language of claims 3, 4, 6-12, and 15-22 since the last Office Action, and no new prior art was found in the updated search conducted for the instant application. Therefore no changes have been made to the indication of allowability and the reasons for indicating allowability in the last Office Action. Accordingly, the text of those reasons for allowance given in the previous Office Action in the case will not be repeated but instead are incorporated herein in their entirety by reference to the previous Office Action in the case.

8. Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 27, taken together with its base claim 26, is substantially the same as claims 2 and 3 and would be allowable for the same reasons as those claims.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (703) 305-1336.

The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 Official Faxes, (703) 746-7240 Unofficial Faxes, and (703) 746-7238 After Final Faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

6/13/03

Paul Callahan